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7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 ABNER ESTRADA CRUZ,
15 Defendant.

Case No. 2:24-CR-00247-DAD

STIPULATION AND [PROPOSED] PROTECTIVE
ORDER REGULATING DISCOVERY

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17 Pursuant to Federal Rule of Criminal Procedure 16(d), the United States, by and through
18 Assistant U.S. Attorney Cameron L. Desmond, and defendant Abner Estrada Cruz, through his counsel
19 of record (“Defendant” and “Defense Counsel”), stipulate and agree, and respectfully request that the
20 Court order as follows.

21 1. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of
22 Criminal Procedure, and its general supervisory authority;

23 2. The Government has in its possession discovery that may be required under its discovery
24 obligations, but even if not required, may facilitate the Defendant’s trial preparation. This
25 discovery will be considered “Protected Material” as described in this stipulation and order, as will any
26 other discovery marked as Protected Material.

27 3. This material includes audio recordings, video recordings, reports, and photographs that
28 may include Personal Identifying Information (PII), identify a law enforcement undercover agent and/or

1 confidential source by voice or by image, and/or identify targets of the investigation who have not yet
2 been charged or arrested.

3 4. The purpose of this stipulation and order is to establish the procedures that must be
4 followed by Defense Counsel, any designated employees, and any other individual who receives access
5 to any Protected Material in this case and the information therein.

6 5. The Government shall produce the aforementioned Protected Material to Defense
7 Counsel, designating the discovery with the bates prefix, "PM_." This discovery, and any subsequent
8 material discovered by the Government to Defense Counsel using the bates-prefix, shall be considered
9 Protected Material.

10 6. All Protected Material in this case is now and will remain the property of the United
11 States Government. It is entrusted to Defense Counsel only for purposes of representing his/her
12 Defendant during the pendency of this case.

13 7. Defense Counsel shall not give any Protected Material to any person other than Defense
14 Counsel's staff assisting in preparation of the present case. The term "staff" shall explicitly include only
15 attorneys, paralegals, legal assistants, retained experts, and investigators assisting Defense Counsel in
16 the present matter. The term excludes any other defendant in this matter or any other pending matter
17 against the Defendant; any person involved in any case in which discovery concerning the Defendant is
18 produced; and any other person other than those specifically authorized to see Protected Material under
19 this paragraph.

20 8. Any person receiving access to the Protected Material from Defense Counsel shall be
21 bound by the same obligations as Defense Counsel and, further, may not give any Protected Material to
22 anyone.

23 9. No members of any of the Defendant's family, friends of the Defendant, personal or
24 professional associates of the Defendant, or any other person affiliated with the Defendant shall be given
25 access to any Protected Material or its contents in any manner, for any reason.

26 10. Defense Counsel may make copies of Protected Material and may take written or typed
27 notes summarizing it in connection with preparation of the case. If necessary to the litigation of the
28 instant matter, Defense Counsel may also have audio or video forms of Protected Material transcribed.

1 All notes, copies, duplicates, summaries, transcripts, or other representations of or concerning the
2 information in the Protected Material comprises “Protected Material” itself, must be affixed with the
3 corresponding bates numbers and the “Protected Material” ledger, and is subject to all terms of this
4 stipulation and order.

5 11. Defense Counsel shall maintain a list of persons to whom any Protected Material is being
6 or has been given. Such persons shall be provided with a copy of the executed version of this stipulation
7 and order, shall sign their full names to a copy, and shall acknowledge, in writing or through electronic
8 means, that they understand its terms and are bound by it. If Defense Counsel is replaced for any
9 reason, or if new counsel is appointed in any phase of the matter, the new counsel shall not have access
10 to any Protected Material until and unless they sign a copy of this stipulation and order, under the terms
11 described in this paragraph.

12 12. Defense Counsel may use the Protected Material in the defense of his/her Defendant in
13 the instant case in any manner deemed essential to adequately represent him (*i.e.*, in motions that are
14 filed under seal, if necessary; in *ex parte* applications as may be needed; and in reproducing and
15 summarizing Protected Material for use in trial preparation summaries, exhibits and as evidence, as may
16 be needed), consistent with this stipulation and order as it shall be originally prepared and signed.

17 13. In the event Defense Counsel needs to use any Protected Material in a manner not
18 authorized under this stipulation and order, Defense Counsel is entitled to seek to have this stipulation
19 and order amended by the District Court, after having given notice to counsel for the Government, in a
20 hearing before the District Court, in order to meet the obligations under the Sixth Amendment to the
21 United States Constitution.

22 14. Defense Counsel and any authorized members of Defense Counsel’s staff are authorized
23 to review with his/her Defendant the contents of the Protected Material. Defense Counsel and
24 authorized members of her staff, however, are prohibited from giving his/her Defendant any Protected
25 Material or any memorialization of the content of any of it, including any of the Protected Material
26 itself; copies of any of the Protected Material; copies of excerpts of any of the Protected
27 Material; or summaries of any of the Protected Material. This prohibition will not extend to the
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1 Defendant viewing the Protected Material in open court should any of these materials or summaries
2 thereof be used in the litigation of this case.

3 15. Defense Counsel reserves the right to seek amendments to this Protective Order without
4 prejudice.

Respectfully Submitted,

MICHELE BECKWITH
Acting United States Attorney

Dated: February 5, 2025

/s/ Cameron L. Desmond
CAMERON L. DESMOND
Assistant U.S. Attorney

Dated: February 5, 2025

/s/*Etan Zaitsu*
ETAN ZAITSU
Attorney for defendant
ABNER ESTRADA CRUZ

1 **O R D E R**

2 Based upon the agreement of the parties and pursuant to Rule 16(d) of the Federal Rules of
3 Criminal Procedure, the Court adopts the proposed stipulation regulating certain discovery in this case.
4 IT IS HEREBY ORDERED that each of the terms described in the stipulation of the parties shall govern
5 the Protective Material as defined in the stipulation in this case.

6 **IT IS SO ORDERED.**

7 DATED: February 5, 2025

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9 SEAN C. RIORDAN
10 UNITED STATES MAGISTRATE JUDGE